

US EPA REGION 6 - - INPUT ON STATE/TRIBAL ISSUES/PRIORITIES

Cross Goal Issues

1. How Information Was Gathered - Letters were sent to the Directors of R6 State Environmental Agencies requesting their review of the current EPA Strategic Plan and the identification of any new or emerging issues that are not adequately addressed in the current plan. The Director of the Office of Tribal Affairs contacted tribes to ask for the same input. The Tribes said that they did not feel that they were given adequate time to provide a meaningful response and declined to provide input. The Tribes have been assured that other opportunities will be available in the future for them to review drafts and provide input.
2. Description of Key State Issues/Priorities
 - a. Short description of the issues/priorities:
 - i. States recommend that EPA consider adding a section in the “Cross-Goal Strategies” chapter regarding the various bi-national and multi-media international border initiatives.
 - ii. States recommend that EPA continue to develop and maintain a centralized training source and make training available to the states through the internet or by other means.
 - iii. States need EPA's assistance in the development and maintenance of electronic data management systems for environmental data that will enhance the ability of remediation programs to assess the risk to human health and the environment.
 - iv. States would like to see an expanded discussion of how EPA's strategic goals fit together organizationally with its proposed performance measures and strategic architecture.
 - v. States recommend improvement in the agency's partnerships with states, and to help assure more effective strategic planning documents and processes at all levels to include Joint Planning/Alignment Process, Annual Commitments, Better alignment and integration of National and State priorities
 - vi. States recommends including a time-line for achieving Homeland Security goals
 - vii. States recommend increased emphasis on improving Performance Partnership Agreements and Grants
 - b. Potential impact to a specific Agency Program and its relevance to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objectives, sub-objectives, targets)? Means and strategies? - The issues outlined above would not directly impact the architecture of the Agency's Strategic Plan. They could, however, impact the introduction to the plan and the section on cross-goal

strategies.

- c. Prevalence of the issue among the states and/or tribes in the Region - The issues outlined above were submitted only by the State of Texas.

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Goal 2: Clean and Safe Water

1. How information was gathered. Letters were sent to the Directors of R6 State Environmental Agencies requesting their review of the current EPA Strategic Plan and the identification of any new or emerging issues that are not adequately addressed in the current plan. The Director of the Office of Tribal Affairs contacted tribes to ask for the same input. The Texas Commission on Environmental Quality (TCEQ) submitted written comments in response to this request. The Arkansas Department of Environmental Quality (ADEQ) submitted their input to Region 6 during a state program managers meeting in Little Rock on August 31, 2005. Other comments were received from States at the annual Region 6/State Watersheds Planning Workshop held in Dallas each April. The Tribes said that they did not feel that they were given adequate time to provide a meaningful response and declined to provide input. The Tribes have been assured that other opportunities will be available in the future for them to review drafts and provide input.
2. Description of key state issues/priorities.
 - a. Short description of the issues/priorities.
 - i. Sub-Objective 2.1.2 and Strategic Target H—The target should capture all assessed waters rather than relying on a 2002 baseline that doesn't reflect assessments completed since then by States like Texas. Advisories issued by states after 2002 (e.g., mercury) are not captured by this goal, and could result in the strategic target projecting a false sense of accomplishment. (Comment also applies to Strategic Target L, below)
 - ii. Sub-Objective 2.2.1 and Strategic Target L – Drop or redefine 2.2.1 a & b to capture finer scale, incremental, and partial water quality restoration and maintenance activities. Establish more accurate baselines. A scientifically based and reproducible method needs to be developed using available sources of information. Ideally, the method could be enhanced as the ADB (etc.) is further populated and 11 and 14 digit HUCs are available for application.
 - iii. General Issues under Sub-Objective 2.2.1:
 - (1) Indices for biologic integrity should be developed to assess water body impairments.
 - (2) The nine element watershed plans should be more holistic and encompass influxes from all sources (point and non-point).
 - (3) Need to develop centralized national guidance that provides effective monitoring and assessment strategies for non-point sources of pollution (with case studies).

- (4) Ground water quality criteria is not addressed by EPA
- iv. Sub-Objective 2.2.2–This Sub-Objective should be inclusive of multiple agencies involved in wetlands protection (US Army Corps of Engineers, National Oceanic and Atmospheric Administration, etc.). The national strategy to prevent wetlands loss needs retooling or projected trend needs re-estimation to account for the rapid rate of coastal development in the US, other man-made losses, and natural wetlands losses due to hurricanes, land subsidence, and possible sea-level rise.
- b. Potential impact to a specific Agency program or activity and its relevance to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objectives, sub-objectives, targets)? No impact on architecture anticipated to address comments. Means and strategies?
- i. Sub-Objective 2.1.2 and strategic target H– Comment seeks to establish a more inclusive baseline measure that considers present and emerging threats to human health and the environment.
- ii. Sub-Objective 2.2.1 and Strategic Target L - Comments seek to catalogue current watershed water quality status more accurately (current baselines can't be replicated), show results on a finer scale (11 and 14 digit HUCs or using sub-eco-regions), and to report incremental progress and partial restoration efforts. Other general issue comments request EPA to develop indices of biological integrity to assess water body impairments, and ground water quality criteria. EPA should work to develop more effective monitoring and assessment strategies for non-point sources of pollution in a centralized national guidance document that includes case studies. Finally, the nine element watershed plans should be more holistic in addressing all point and non-point sources.
- iii. Sub-Objective 2.2.2– Comment seeks to be more inclusive of multiple federal and state agencies roles in wetlands protection. Also seeks to distinguish sub-objective's accounting of wetlands loss through anthropomorphic and natural causes.
- c. Prevalence of the issue among the states and/or tribes in the region.
 Comments on Sub-objective 2.1.2–TCEQ only
 Comments on Sub-objective 2.2.1 and Strategic Target L– All States in Region 6
 Comments on General Issues Under Sub-objective 2.2.1–ADEQ
 Comments on Sub-objective 2.2.2–TCEQ only

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Goal 4: Healthy Communities and Ecosystems

1. How Information Was Gathered - Letters were sent to the Directors of R6 State Environmental Agencies requesting their review of the current EPA Strategic Plan and the identification of any new or emerging issues that are not adequately addressed in the current plan. The Director of the Office of Tribal Affairs contacted tribes to ask for the same input. The Tribes said that they did not feel that they were given adequate time to provide a meaningful response and declined to provide input. The Tribes have been assured that other opportunities will be available in the future for them to review drafts and provide input.
2. Description of Key State Issues/Priorities
 - a. Short description of the issues/priorities:
 - i. The application of legally applied chemicals to the ground, such as the application of pesticides to historically agricultural lands, has left a legacy of area-wide, non-point source pollution. Such issues are not amenable to resolution using the remediation-based responses that we use for other sources of chemicals of concern in the environment. EPA can assist states through the development of a non-remediation based, public awareness and regulatory strategy that would be effective in addressing such area-wide sources.
 - ii. TCEQ recommends that EPA consider adding a section in the “Cross-Goal Strategies” chapter regarding the. This would allow for reflection of the key components and goals of Border 2012 and similar border-related projects and agreements, including - for example - the social costs and benefits associated with EPA’s border programs and the Border Environmental Infrastructure fund.
 - b. Potential impact to a specific Agency Program and its relevance to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objectives, sub-objectives, targets)? Means and strategies?

- i. Regarding issue “2.a.i.” above, TCEQ's comment deals with legally applied pesticides, in which case, there are no known provisions under FIFRA that allow for a regulatory strategy to address the issue. If the issue deals with water impacts then a public awareness strategy could incorporate both the pesticides and water programs working together with the agriculture community. A regulatory strategy, however, would constitute a greater scope effort but may be beyond the scope of FIFRA.
 - ii. Regarding issue “2.a.ii.” above, Region 6 agrees with the TCEQ recommendation that a section be added to the "Cross-Goal Strategies to address various bi-national and multi-media international border initiatives.
- c. Prevalence of the issue among the states and/or tribes in the Region - The issues outlined above were submitted only by the State of Texas.

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Goal 5: Compliance and Environmental Stewardship

1. How information was gathered. Letters were sent to the Directors of R6 State Environmental Agencies requesting their review of the current EPA Strategic Plan and the identification of any new or emerging issues that are not adequately addressed in the current plan. The Director of the Office of Tribal Affairs contacted tribes to ask for the same input. The Texas Commission on Environmental Quality (TCEQ) submitted written comments in response to this request.
2. Description of key state issues/priorities.
 - a. Short description of the issues/priorities.
 - i. Goal 5 (Compliance and Environmental Stewardship)–TCEQ supports the suggestions provided to EPA by ECOS earlier this summer regarding this goal. "For the upcoming Strategic Plan, ECOS encourages you to complete this transition to a public health and environmental outcome focused Plan by moving the elements of current Goal 5 into the other four existing goals - Air, Water, Land and Healthy Communities and Ecosystems. The critically important functions of compliance and enforcement are essential tools to achieve the environmental ends that we seek, but they are not the ends themselves.

The compliance and enforcement programs and activities in Goal 5 should be integrated with the programs contained in the other four goals. Making this change would allow compliance and enforcement to be more closely linked to the critical functions such as monitoring, inspecting, permitting, rulemaking, and standard setting for each relevant program contained in the other goals. Pollution prevention objectives and activities currently in Goal 5 should also be moved into each of the other goals and relevant programs in a way that makes them an integral element of the strategic approach used to address our environmental challenges. Likewise, environmental stewardship activities in Goal 5 should also become a key ingredient in the other four goals."

- ii. Sub-Objective 5.1.1 (Compliance Assistance)—TCEQ would like to work together with EPA to identify the targets of investigation initiatives with sufficient advance notice that compliance assistance outreach campaigns can be conducted for small businesses and local governments well before actual investigations begin.

The Strategic Plan also notes that the "Small Business Compliance Policy has recently been modified to encourage greater participation by small businesses." The requirement that notification be provided within 21 days of discovery is still too limiting for many small businesses and local governments. It is difficult to gain this permission in the limited 21-day time frame.

- iii. Sub-Objective 5.2.3 (Business and Community Involvement)—TCEQ believes that the Strategic Plan should more clearly state that small businesses and local governments should be provided tailored incentives.

The EPA should broaden its incentives to encourage the use of environmental management systems (EMSs) and performance-based strategies to smaller facilities and local governments, such as streamlined permitting, which would provide reduced review time and assistance with preparing the permit.

- iv. Sub-Objective 5.2.3 (Business and Community Innovation)—TCEQ supports the National Environment Performance Track (NEPT) program and encourages EPA to consider additional incentives to improve environmental performance. TCEQ submitted comments to EPA on its Advanced Notice of Proposed Rulemaking relating to Hazardous Waste Generator Program Evaluation (Docket Number RCRA 2003-0014) urging EPA to allow NEPT members to consider by-products as co-products under specified conditions, and when the management of the material can be shown to be as protective of the environment. This could allow the option of burning material that were previously defined as by-product for beneficial heat recovery, encouraging higher reuse and reducing fuel usage.

- b. Potential impact to a specific Agency program or activity and its relevance to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objectives, sub-objectives, targets)? Means and strategies?

- i. Goal 5—This comment proposes to incorporate the current activities contained in Goal 5 into the other goals in the Strategic Plan. This would eliminate Goal 5 and would require a significant change in the current architecture of the Strategic Plan.
- ii. Sub-Objective 5.1.1—The first comment is supportive of the current sub-objective. The latter comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA

- policy.
- iii. Sub-Objective 5.2.3–This comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.
- iv. Objective 5.4–This comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.
- c. Prevalence of the issue among the states and/or tribes in the region. The issues outlined above were submitted only by the State of Texas.